

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK**

ERIC PORTER, OLESYA GIRICH,
KIMBERLY WALSH, DAPHNE BEARD,
GIANNA WEBER, and JOHN and JANE
DOES 1-20, on behalf of themselves and all
others similarly situated,

Plaintiffs,

-against-

KATHLEEN HOCHUL, in her individual
capacity, HOWARD ZUCKER, in his
individual capacity, MARY T. BASSETT, in
her individual capacity, JAMES V.
MCDONALD in his official capacity, NEW
YORK STATE DEPARTMENT OF HEALTH,
STATE UNIVERSITY OF NEW YORK,
URSULA CORONA, in her official capacity,
and JOSEPH GOMES, in his official capacity,

Defendants.

**NOTICE OF MOTION TO REMAND TO
STATE COURT PURSUANT TO
28 U.S.C. § 1447(c)**

Case No. 5:25-cv-00381 (BKS) (TWD)

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs Eric Porter, Olesya Girich, Kimberly Walsh, Daphne Beard, Gianna Weber, and John and Jane Does 1-20, by and through their undersigned counsel, hereby move this Court for an order remanding this action to the New York Supreme Court, Onondaga County (Index No. 010057/2024), pursuant to 28 U.S.C. § 1447(c), for lack of subject matter jurisdiction.

This motion is based on the accompanying Memorandum of Law, the Notice of Voluntary Dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) filed on April 22, 2025 (Dkt. No. 6), the

concurrently filed Motion for Leave to Amend pursuant to Fed. R. Civ. P. 15(a)(2), the pleadings and papers on file, and any further evidence or argument presented to the Court.

WHEREFORE, Plaintiffs request that the case be remanded to state court and further request that the Rule 16 case management conference scheduled for May 8, 2025 (Dkt. No. 3) be adjourned sine die or, in the alternative, stayed pending resolution of this motion, as federal jurisdiction is eliminated and remand to state court is warranted.

DATED: April 22, 2025
Ithaca, New York

Respectfully submitted,

/s/ Sujata S. Gibson

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